



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,994	03/25/2004	Walter A. Handzlik	1063-00010	7743
26753	7590	11/20/2006		
ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 EAST WISCONSIN AVENUE, SUITE 1100 MILWAUKEE, WI 53202				
			EXAMINER OKEZIE, ESTHER O	
			ART UNIT 3652	PAPER NUMBER

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/808,994	HANDZLIK, WALTER A.	
	Examiner	Art Unit	
	Esther O. Okezie	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 5-11, 13, 14 and 17-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23, 24, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 25 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/22/06 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 23,24,26,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,910,893 Asay in view of US 4,878,704 Jacanin, Jr. et al, and further in view of US 2,538,654 Peterson. Asay discloses a first and second shovel blade (30,47) having an upper edge portion, a lower edge portion, and opposite substantially parallel side edge portions; at least one male connection part (pins 48) disposed between said upper and lower edge portions and along a side edge portion of the first shovel blade,

Art Unit: 3652

and said male connection and at least one female connection part (sleeves 49) disposed between said upper and lower edge portions and along a side edge portion of the second shovel blade, wherein the at least one female connection part is similarly sized and shaped to slidably receive the at least one male connection part to releasably couple.

Asay discloses two handles (17a,b) projecting from the shovel blade (30) with hand grips on each handle disposed at a location distal from the first and second blades, but does not disclose a first and second elongated handle coupled to and respectively projecting from the first and second shovel blade in a direction substantially parallel to said side edge portions. Jacanin, Jr. et al disclose a first and second elongated handle (32) coupled to and respectively projecting from the first and second shovel blade in a direction substantially parallel to said side edge portions. It would have been obvious to one of ordinary skill at the time of the invention to provide the handles of Asay coupled to and respectively projecting from the first and second shovel blade in a direction substantially parallel to said side edge portions as taught by Jacanin, Jr. et al in order to provide a device that can be disassembled and used separately as one blade or assembled as two.

The combination of Jacanin Jr. et al. and Asay does not disclose a connection including male and female parts extending longitudinally in a direction substantially parallel to the side edge portion of each shovel blade and by themselves, define a sliding self-interlock for preventing exit of the male connection part from the female connection part. Peterson discloses an interchangeable household tool including an

Art Unit: 3652

applicator holder which may be used to mount any one of a select group of work elements. The applicator includes male connection part (13) extending longitudinally in a direction substantially parallel to the edge of the broom and a female connection part (14) disposed at the distal edge of the handle (12) for releasable coupling. It would have been obvious to one of ordinary skill at the time of the invention to modify the connectable shovels of Asay to include male and female parts extending longitudinally in a direction substantially parallel to the side edge portions as taught by Peterson to provide a connection that "may be easily but yet securely positioned" and connected by the transmission of pressure of a gripping member onto a receiving projection (Peterson: col. 1, lines 20-40).

Allowable Subject Matter

Claims 25 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 8/22/06 have been fully considered but they are not persuasive. In summary, Asay teaches connection of two blades by female and male-connecting parts at the edges of the blades, Jacanin Jr. teaches handles attached respectively to each blade, and Peterson teaches snap fit, sliding, self interlocking male and female connection parts parallel to the edge of two sections. Applicant argues in

Art Unit: 3652

error with piecemeal analysis of the references. It has been held that one cannot show non-obviousness by attacking references individually where, as here, the rejections are based on the teachings from references and therefore the combination. Applicant has argued that Asay and Jacanin do not disclose pressure or snap fit or sliding self-interlock. In response, Peterson clearly teaches this type of connection (see above rejection; Peterson: col. 1, lines 20-40). Applicant further argues Asay teaches sliding the shovel blades together in a direction perpendicular to the side edge portions. In response, Peterson clearly teaches this type of a connection (see above rejection; Peterson figs 1 and 5). Finally Applicant argues that Peterson would only teach one skilled in the art to provide only a snap fit or pressure fit between a handle and a broom. In response, this argument is misleading. Again, the Peterson a reference is applied to teach snap fit, sliding, self interlocking male and female connection parts parallel to the edge of two sections. Whether these connections are on a broom and handle are irrelevant. The connection is taught by Petersons and the environment is taught by Asay.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther O. Okezie whose telephone number is (571) 272-8108. The examiner can normally be reached on Mon-Thurs 8-6:30.

Art Unit: 3652

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EOO 11/12/06



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600